

**REMARKS**

With entry of this third preliminary amendment, claims 2-4, 6-8, and 10-56 are pending in the application. By this third preliminary amendment, claims 26 and 30-32 have been amended for clarity, and new claims 33-49 have been added to more completely and distinctly set forth certain aspects of the invention. All of the claims added herein are fully supported by the specification, and no new matter has been added to the application.

Support for the novel methods of claims 19-25, employing a limited dosing regimen of only once or twice daily dosing of a compound of formula I to elicit analgesia for an extended, 24 hour period is found, for example, at page 1, lines 16-17, page 1, line 20 to page 2, line 17, and page 2, lines 22-23. Support for the exemplary dosage amounts recited in the current claims is provided, for example, at page 3, lines 14-21. Support for the exemplary pharmaceutically acceptable salts recited in the new claims is provided, for example, at page 5, lines 5-6. Support for a sustained release polymer as an exemplary sustained release vehicle, and for exemplary sustained release polymers comprising a polyacrylic acid polymer or hydroxypropylmethyl cellulose polymer, is provided, for example, at Page 6 lines 15-23, Page 5, lines 10-15, and Examples 10A and 10B. Support for the sustained release characteristics set forth in new claims 33-49, including the dissolution profile characteristics and pharmacokinetic characteristics, is found, for example, in the working Examples 1-14, pp. 7-21. Entry of this third preliminary amendment is respectfully requested.

**Provisional Election and Request for Accelerated Prosecution**

In view of the extended delay to date in processing of the instant application by the USPTO, Applicants respectfully request special consideration to expedite examination of this case. If it would advance substantive examination, Applicants are amenable to provisionally electing claims for initial prosecution to avert a Restriction Requirement and the attendant, further delay that such non-substantive action would impose. Therefore, if the Office deems to levy a Restriction Requirement in the instant application, the following provisional elections are authorized to be made formal

elections upon a determination by the Office that the claims are directed to multiple, separate and distinct inventions.

If the Office determines that the claims will be restricted between compositions and methods, Applicants hereby elect to prosecute initially the composition claims (e.g., corresponding to claims 10-13, 16-18, and 26-56, whereby it is authorized to enter said election (and concurrent withdrawal of method claims 2-4, 6-8, 14, 15, and 19-25) simultaneous with said Restriction Requirement to allow immediate, substantive prosecution thereafter.

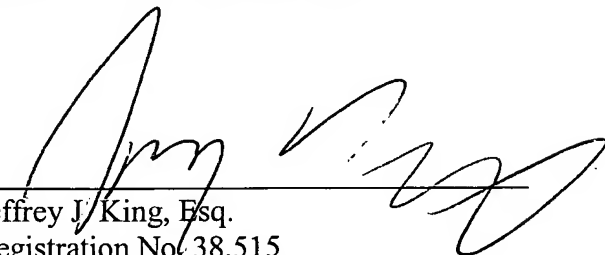
If any other issues regarding restriction practice remain, despite this provisional election, Applicants earnestly solicit the Office to contact Applicants' representative by phone at the number provided below toward the goal of resolving these issues by telephonic election.

### **CONCLUSION**

Applicants believe that all claims now pending in this application are in condition for allowance and an action to that end is urged. If the Examiner believes a telephone conference would aid in the prosecution of this case in any way, please call the undersigned at (206) 381-3300.

Respectfully submitted,  
BLACK LOWE & GRAHAM PLLC

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